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EXAMINER

PHAM, KHANH B

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/771,159	Applicant(s) MATTSON ET AL.	
	Examiner Khanh B. Pham	Art Unit 2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 12-17 and 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 18 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I, claims 1-11 and 18-19 in the reply filed on 2/9/2007 is acknowledged.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 1 recites the limitation "a code segment for presenting to the user a link for automatically notifying a contact agent within the organization that the created budget has been transmitted to the predetermined remote site, the contact agent appropriate to the sub division", which was not described in the specification.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 2-10, 18-19** are rejected under 35 U.S.C. 102(e) as being anticipated by Lyons et al. (US 5,189,608), hereinafter "Lyons".

As per claim 2, Lyons teaches a budget information system comprising:

- "a budgetary information database comprising numerical data and textual identifiers imported from a plurality of remote sites, each site housing data for an aspect of a budget for a plurality of subdivisions of a unitary organization, the numerical data extracted from the remote sites into a spreadsheet application, the textual identifiers extracted from the remote sites into a word processing application" at Col. 4 lines 20-65 and Col. 7 lines 20-45,
- "the database configured into a coherent hierarchical format having accessible links to budget data for the plurality of subdivisions" at Col. 2 lines 40-50, Col. 3 lines 5-15 and Col. 5 lines 30-68 and Tables II-XIII;
- "means for receiving a keyword selected by a user remote from the database over a network" at Col. 16 lines 20-45;
- "means for matching data in the database with the keyword and for outputting at least one subdivision related to the keyword" at Col. 21 lines 64-68;

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- “means for receiving a user selection of at least one subdivision for tracking” at Col. 4 line 57 to Col. 5 line 20;
- “means for formatting and outputting matched budget data and a textual identifier found from the database search commensurate with the selected subdivision” at Col. 15 lines 40-65;
- “and means for automatically updating the budget data and textual identifier of the selected subdivision upon subsequent user access” at Col. 3 lines 5-15 and Col. 33 lines 55-68.

As per claim 3, Lyons teaches the budget information system recited in claim 2, wherein “the system further comprises software installable on a processor, the software adapted to output a list of database subdivisions, the keyword selectable from the list of subdivisions, and to perform the database search” at Col. 18, table X.

As per claim 4, Lyons teaches “database subdivisions comprise government agencies and the budget data comprise fiscal year budgeted amounts” at Col. 4 line 65.

As per claim 5, Lyons teaches “wherein a first database subdivision comprises a plurality of line items, each line item having a separate budget, the sum of the line items equaling a total budget for the first database subdivision” at Col. 34 lines 20-30 and Table XXIII.

As per claim 6, Lyons teaches the budget information system recited in claim 3, wherein the software comprises: "means for importing the output budget data into a spreadsheet application; means for importing text material related to the output budget data into a word processing program; and means for correlating the text material and the output budget data for presentation on a unitary screen" at Col. 15, Table VII.

As per claim 7, Lyons teaches the budget information system recited in claim 6, wherein "the output budget data are selected from a group consisting of previous time period data, current time period data, and proposed future time period data" at Col. 10 lines 30-65.

As per claim 8, Lyons teaches the budget information system recited in claim 6, wherein "the software further comprises means for calculating and presenting a percentage of a total budget appropriated for each subdivision" at Col. 18 lines 4-31.

As per claim 9, Lyons teaches the budget information system recited in claim 6, wherein "the software further comprises means for importing with the budget data a number of personnel positions associated with each subdivision" at Col. 6 lines 25-35.

As per claim 10, Lyons teaches the budget information system recited in claim 6, wherein "the software further comprises means for importing with the budget data a contact agent associated with each subdivision, and for presenting a name of the

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contact agent and contact information for the contact agent" at Col. 3 line 26 and Col. 23 lines 1-2.

As per claim 11, Lyons teaches "the presented contact information comprises a direct contact electronic linkage therewith" at Col. 3 line 26 and Col. 23 lines 1-2.

As per claim 18, Lyons "means for creating an electronic folder containing an electronic link to the selected subdivision" at Table X.

As per claim 19, Lyons teaches "means for receiving user comments and for storing the received user comments in the electronic folder" at Tables IV.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lyons as applied to claims above, and in view of Northington et al. (US 6,128,602), hereinafter "Northington".

As per claim 1, Lyons teaches a budget information and creation system comprising:

- "a processor having means for connecting with a network" at Col. 3 lines 64-68, Col. 4 lines 7-10 and Fig. 1;
- "a budgetary information database accessible by the processor via the network, the database comprising numerical data and textual identifiers imported from a plurality of remote sites, each site housing data for an aspect of a budget for a plurality of subdivisions of a unitary organization, the numerical data extracted from the remote sites into a spreadsheet application, the textual identifiers extracted from the remote sites into a word processing application" at Col. 2 lines 40-50, Col. 3 lines 5-15, Col. 5 lines 30-68, and Col. 7 lines 20-45;
- "the database configured into a coherent hierarchical format having accessible links to budget data for the plurality of subdivisions" at Col. 2 lines 40-50, Col. 3 lines 5-15 and Col. 5 lines 30-68;
- "a budgetary information software system resident on the processor comprising: a code segment for interfacing with a user remote from the database over a network" at Table II-XIII;

- “a code segment for permitting the user to create a budget for one of the subdivisions using at least some of the numerical data and textual identifiers” at Col. 11;
- “a code segment for transmitting the created budget to a predetermined remote site via the network” at Col. 3 lines 64-68 and Fig. 1;

Lyons does not explicitly teach “a code segment for presenting to the user a link for automatically notifying a contact agent within the organization that the created budget has been transmitted to the predetermined remote site, the contact agent appropriate to the subdivision”. However, Northington teaches the claimed limitation at Col. 10 lines 56-64, Col. 8 lines 1-6 and Fig. 8-9.

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Lyons with Northington in order to enable real-time consolidation, monitoring and control of an entity's financial transactions as performed by various independent computerized systems as noted by Northington at Col. 2 lines 23-26.

Double Patenting

8. A rejection based on double patenting of the “same invention” type finds its support in the language of 35 U.S.C. 101 which states that “whoever invents or discovers any new and useful process ... may obtain a patent therefor ...” (Emphasis added). Thus, the term “same invention,” in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

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A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

9. Claim 1 is rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 1 of prior U.S. Patent No. 6,687,713 B2. This is a double patenting rejection.

Response to Arguments

10. Applicant's arguments filed 2/9/2007 have been fully considered but they are not persuasive. The examiner respectfully traverses applicant's arguments.

Applicant's argument regarding the 101 rejection has been considered and is persuasive, the 101 rejection has been withdrawn.

Regarding claim 2, applicant argued that Lyons does not teach "textual identifiers extracted from the remote sites into a word processing application". On the contrary, Lyons teaches at Col. 4 lines 20-65 the database comprises not only numerical data but also textual identifiers such as entity's names. The spreadsheet application (i.e. "Lotus 1-2-3") is therefore also acts as a word processing application for processing textual data.

Applicant further argued that Lyons does not teach "the database configured into coherent hierarchical format having accessible links to budget data for the plurality of subdivisions". On the contrary, Lyons teaches at Col. 17, Tables IX, X an user interface comprises accessible links (i.e. selectable menu) to retrieved budget data based on user's selection.

Applicant further argued that Lyons does not teach "means for receiving a user selection of at least one subdivision for tracking". On the contrary, Lyons teaches at Col. 5 lines 1-20 that the user can request data to be retrieved based on an user's selected subdivision (e.g., "Entity=U.S, Far East).

Applicant further argued that Lyons does not teach "means for formatting an outputting matched budget data and a textual identifier found from the database". On the contrary, Lyons teaches at Col. 15, Table VII a typical report which is a formatted and outputted budget data and textual identifier found from the database as claimed.

Applicant further argued that Lyons does not teach "means for automatically updating the budget data and textual identifier of the selected subdivision upon subsequent user access". On the contrary, Lyons teaches at Col. 3 lines 5-15 that "when data is input into the data base so as to update an entry, all entities which are attached to the updated entities are also updated" and therefore anticipated the claimed limitation.

Regarding claim 6, applicant argued that Lyons does not teach "means for importing text material related to the output budget data into a word processing program". On the contrary, Lyons teaches at Col. 15, table VII the user interface which processes text material related to output budget data and displays on a screen.

Applicant further argued that Lyons does not teach "means for correlating the text material and the output budget data for presentation on a unitary screen". On the contrary, Lyons teaches at Col. 15, Table VII a typical report which is a formatted and outputted budget data and textual identifier found from the database.

Regarding claim 9, applicant argued that Lyons does not teach “means for importing with the budget data a number of personnel positions associated with each subdivision”. On the contrary, Lyons teaches at Col. 6 lines 25-35 different priority level associated with different personnel position such as “System administrator” and “Management control”...

Regarding claim 10, applicant argued that Lyons does not teach “means for importing with the budget data a contact agent associated with each subdivision, and for presenting a name of the contact agent and contact information for the contact agent”. On the contrary, Lyons teaches at Col. 3 line 26 the additional features includes “audit trails and data verification”, which inherently indicated the imported data must at least includes contact information associated with the data sources.

Regarding claim 1, applicant argued that Northington does not teach “presenting to the user a link for automatically notifying a contact agent within the organization that the created budget has been transmitted to the predetermined remote site”. On the contrary, Northington teaches at Col. 8 lines 1-6 that the reports may be provided in response to user request or automatically in accordance with pre-programmed criteria such as “upon receipt of certain data inputs from an external financial system”. Northington therefore teaches the step of automatically notifying a contact agent that the created budget has been transmitted (i.e, “upon receipt of new data inputs”).

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the Claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

The prior art made of record, listed on form PTO-892, and not relied upon, if any, is considered pertinent to applicant's disclosure.

If a reference indicated as being mailed on PTO-FORM 892 has not been enclosed in this action, please contact Lisa Craney whose telephone number is (571) 272-3574 for faster service.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh B. Pham whose telephone number is (571) 272-

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4116. The examiner can normally be reached on Monday through Friday 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Khanh B. Pham
Primary Examiner
Art Unit 2166

May 11, 2007

